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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Shigeo SATOH et al.**

Group Art Unit: **2822**

Serial No.: **10/648,487**

Examiner: **Kevin M. Picardat**

Filed: **August 27, 2003**

Confirmation No.: **4128**

For: **SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING THE
SAME**

Attorney Docket Number: **031030**

Customer Number: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

September 24, 2004

Sir:

This paper is submitted in response to the Official Action dated August 25, 2004.

In the Action, restriction is required between Group I, Claims (1-18) and Group II, Claims (22-23).

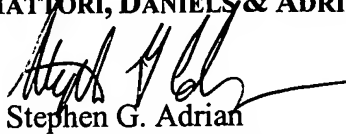
Applicants hereby elect the subject matter of Group I, Claims (1-18) for prosecution in this application. This election is made without traverse, and it is understood that Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

• Response to Restriction Requirement
Serial No. 10/648,487
Attorney Docket No. 031030

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Stephen G. Adrian", is written over the printed name.

Stephen G. Adrian

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SGA/arf